IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.W.P.No.123 of 2007
Date of Decision:- 26.02.2007

Vijay Shankar ....Petitioner(s)

through
Mr.Nandan Jindal, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Amit Khanna, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this criminal revision petition is to release the petitioner from custody forthwith on the ground that if the benefit of remissions awarded to the convicts under Article 161 of the Constitution of India by the Governor of Punjab is added to the total period of sentence undergone by the petitioner, then he has already completed the entire period of sentence.

The petitioner was convicted under Section 15 of the N.D.P.S.Act and was awarded sentence of rigorous imprisonment of 10 years with a fine of Rs.1 lac by the learned Additional Sessions Judge, Sangrur vide his order dated 9.12.1994. The petitioner preferred Crl.Appeal No.205/206-SB of 1995 against the above-stated conviction and sentence but the same was dismissed by this Court vide judgment dated 27.3.1996. The Special Leave Petition preferred by the petitioner was also dismissed.

The petitioner now asserts that after adding the period of remissions granted by the Governor of Punjab under Article 161 of the

Constitution of India from time to time, he has completed the entire period of sentence awarded to him.

On the other hand, the stand taken by the respondents is that in view of Section 32-A of the N.D.P.S.Act, the petitioner is not entitled for the benefit of remissions.

Somewhat similar question arose in a bunch of writ petitions which have since been disposed of by this Court vide order dated 22.2.2007 passed in Crl.W.P.No.1179 of 2006 (Surjan Singh vs. State of Punjab & ors.).

For the reasons assigned in the above-stated order, this petition is also disposed of in the same terms and conditions.

February 26, 2007 **(SURYA KANT)**
poonam **JUDGE**